



2855 /p

MS PETITION
PATENT
2927-0113P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Noritoshi NAKAGAWA et al. Conf.: 8419
Appl. No.: 09/607,324 Group: 2855
Filed: June 30, 2000 Examiner: ALLEN, Andre
For: VISCOELASTIC CHARACTERISTIC VALUE-MEASURING
APPARATUS AND METHOD OF MEASURING VISCOELASTIC
CHARACTERISTIC VALUE

LETTER

MS PETITION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

May 25, 2004

Sir:

The Commissioner is respectfully requested to consider the Petition to Withdraw Abandonment filed September 3, 2003 in connection with the above-identified application. Withdrawal of abandonment is proper because a Reply was timely filed.

As evidence of the fact that a Petition to Withdraw Abandonment was filed, enclosed herewith are the following:

- 1) A copy of the Petition to Withdrawal Abandonment filed September 3, 2003;
- 2) A copy of the postcard receipt which was date stamped on September 3, 2003; and
- 3) A copy of the Reply filed July 29, 2003 (and copy of date-stamped postcard receipt).

It is requested that the abandonment status of the present application be immediately removed so that prosecution may resume with full consideration and entry into the record of the timely filed Reply and the Petition to Withdraw Abandonment.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Robert E. Goozner, Ph.D. (Reg. No. 42,593) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.


If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By


Andrew D. Meikle, #32,868


ADM/REG/jls
2927-0113P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000



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APPARATUS AND METHOD OF MEASURING
VISCOELASTIC CHARACTERISTIC VALUE

PETITION TO WITHDRAW ABANDONMENT
SINCE REPLY WAS TIMELY FILED

MS PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

September 3, 2003

Sir:

In response to the Notice of Abandonment mailed August 12, 2003, which issued in connection with the above-identified application, this is a Petition to withdraw the "abandonment status" of the present application, since a Reply was timely filed on July 29, 2003. As evidence of the fact that a Reply was timely filed, enclosed herewith are the following:

- a copy of the Reply filed July 29, 2003; and
- a copy of the postcard receipt which was date-stamped on July 29, 2003.

It is requested that the abandonment status of the present application be immediately removed so that prosecution may resume with full consideration and entry into the record of the timely filed Reply.

Appl. No. 09/607,324

If the U.S. Patent Examiner has any questions regarding the above matters, please contact Applicants' representative, Andrew D. Meikle, at the phone number listed below.

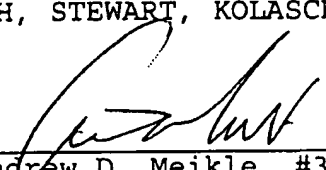
It is submitted that no fees are required for filing this Petition, since the error occurred because of a mistake on the part of the U.S. Patent and Trademark Office.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By


Andrew D. Meikle, #32,868

ADM/REG/jeb
2927-0113

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Attachments: Copy of Reply
Copy of postcard receipt

(Rev. 04/30/03)



Papers Filed herewith on: 9-3-03 35
DOCKET NO. 2927-0113P
ATTY.: ADMIREX
APPLICANT(S): NAKAGAWA et al.
USSN: 09/1607,324 FILED: 6-30-2000
PAT NO.: _____

☐ New Application with Transmittal Letter
☐ Utility ☐ Design ☐ CIP ☐ PCT ☐ Provisional
☐ Filing Under 37 CFR 1.53(b) ☐ CONT ☐ DIV
☐ Filing Under 37 CFR 1.53(d) (CPA)
☐ Specification Consisting of: _____ pages
☐ Combined Declaration & Power of Attorney
☐ Assignment / Cover Letter
☐ Letter to Official Draftsman
☐ Drawings _____ Sheets ☐ Formal ☐ Informal ☐ Red-Ink
☐ Completion of Filing Requirements, PCT/DO/EO/905
or PTO-1533 and Executed Declaration
☐ Priority Document(s) / Cover Letter, No. Doc. _____
☐ Amendment:
☐ Transmittal Letter ☐ Large Entity ☐ Small Entity
☐ Response
☐ Information Disclosure Statement, PTO-1449(s)
☐ Notice of Appeal ☐ Appeal Brief
☐ Issue Fee Transmittal
☐ FEES:
☒ Letter: Petition to Withdraw from Domestic
☒ Other: Copy Reply Filed 9-3-03
Copy of USPTO-stamped postcard
dated 07-29-03

Receipt is hereby acknowledged of the papers filed as
indicated in connection with the above identified case.
COMMISSIONER OF PATENTS AND TRADEMARKS
Due Date: 10-12-03
Handcarry: _____

DOCKET NO. 2927-0113P

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SEP 03 2003
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Papers Filed herewith on: 7/29/03
DOCKET NO: 2927-01138 ATT: ADM/REG
APPLICANT(S): Noritoshi Nakagawa et al.
APPLN. NO. 09/501,324 FILED: 6/30/00
PAT NO: _____

☐ New Application with Transmittal Letter
☐ Utility ☐ Design ☐ CIP ☐ PCT ☐ Provisional
☐ Filing Under 37 CFR 1.53(b) ☐ CONT ☐ DIV
☐ Filing Under 37 CFR 1.53(d) (CPA)
☐ Filing Under 37 CFR 1.114(RCE) _____ pages
☐ Specification Consisting of: _____
☐ Combined Declaration & Power of Attorney
☐ Assignment / Cover Letter
☐ Letter to Official Draftsman
☐ Drawings _____ Sheets ☐ Formal ☐ Informal ☐ Red Ink
☐ Completion of Filing Requirements, PCT/PO/EO905
or Formalities Letter and Executed Declaration
☐ Priority Document(s) / Cover Letter, No. Doc. JUL 29 2003
☒ Amendment: _____
☒ Transmittal Ltr ☒ Large Entity ☐ Small Entity
☐ Response _____
☐ Information Disc Simult. PTO-149(s) _____
☒ Notice of Appeal ☐ Appeal Brief
☐ Issue Fee Transmittal ☐ Sequence Listing
FEES: \$930.00 OFF 9004820
Letter: \$320.00 OFF 9004834
☐ Other: _____

DOCKET NO. 2927-01138

COPY

Receipt is hereby acknowledged of the papers filed as indicated in connection with the above identified case.
COMMISSIONER OF PATENTS AND TRADEMARKS
Due Date: 7/29/03
Handcarry: _____



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COPY

MS AF
RESPONSE UNDER
37 C.F.R. § 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 2855

PATENT
2927-0113P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Noritoshi NAKAGAWA et al. Conf.: 8419
Appl. No.: 09/607,324 Group: 2855
Filed: June 30, 2000 Examiner: ALLEN, Andre
For: VISCOELASTIC CHARACTERISTIC VALUE-
MEASURING APPARATUS AND METHOD OF
MEASURING VISCOELASTIC CHARACTERISTIC
VALUE

NOTICE OF APPEAL FROM THE
PRIMARY EXAMINER TO THE BOARD OF APPEALS

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

July 29, 2003

Sir:

Applicants hereby appeal to the Board of Appeals from the decision dated January 29, 2003 of the Primary Examiner finally rejecting claims 1-24.

☐ This document is being transmitted via the Certificate of Mailing provisions of 37 C.F.R. § 1.8.

The applicant(s) hereby petition(s) for an extension of three (3) month(s) pursuant to 37 C.F.R. §§ 1.17 and 1.136(a).

The fee has been calculated as shown below:

☒ NO extensions of time have been previously obtained for responding to the Final Rejection. Thus a fee of \$930.00 is required for the full period of the above-requested extension of time.

☐ An extension of _____ () month(s) for responding to the Final Rejection was previously requested and paid for on

Appl. No. 09/607,324

_____. Thus a fee of \$0.00 is required to obtain an additional _____ () month(s) for filing the Notice of Appeal.

☐ Applicant claims small entity status. See 37 C.F.R. § 1.27.

The Government fee for filing a Notice of Appeal to the Board of Appeals is calculated as follows:

☒ Large entity - \$320.00

☐ Small Entity - \$160.00

Therefore, the TOTAL FEE due for the filing of this Notice of Appeal is \$1,250.00.

Payment of the above TOTAL FEE is being made in the following manner:

☒ Check(s) in the amount of \$930.00 and \$320.00 is/are enclosed.

☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this sheet is attached.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By *R. C. Stewart* (Reg. No. 27,016)
for Andrew D. Meikle, #32,868

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2927-0113P

(Rev 04/10/03)